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09/917,449	07/27/2001	Edward Acosta	BRDC:20	9696

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EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,449

Applicant(s)

ACOSTA ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/27/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/29/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 3, the reference numerical corresponding to "upload client" is illegible. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 and 19-27 rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al. (U.S. Patent No. 6,148,405), hereinafter, referred as Liao.

Regarding claim 1-17 and 19-27, Liao discloses in **figure 1** of a wireless communications network [**wireless communication network 100, fig. 1**], comprising:

a wired network [**108, figure 1**],

a wireless channel [**CDPD system 108, as disclosed in figure 1 and in col. 5, lines 54-62, 102 controlled by carrier 108 CDPD, Note: CDPD transmits data packets on unused cellular channels in the 800MHz to 900MHz range) communicate with each other using a radio transmission**];

a wireless application service provider server computer [**112 web server, fig. 1**] connected to the wired network [**104, figure 1**] [**as disclosed in figure 1**]

a wireless packetized data communications provider equipment [**Airnet 102 controlled by carrier CDPD 108 provides packet data transfer from wireless network, 108, figure 1**] connected to the wired network [**figure 1, 104**]; and

a wireless device [**106, figure 1**] communicatively connected via the wireless channel [**col. 5, lines 54-62, CDPD system**] to the wireless packetized data communications provider [**Airnet 102 controlled by CDPD wireless network 108**] as claim.

Regarding claim 2, Liao further discloses of comprising a client software [**HDML web browser, fig 1 and col. 6, lines 23-30**] for communicating via specialized protocols [**UDP, HDTP and SUGP as disclosed in col. 6, lines 18-30**] with the wireless application service provider server computer [**web server 112, figure 1**] over the wireless channel [**CDPD system 108**] and the wired network [**wired Internet 104, figure 1**] as claim.

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[As disclosed in **col. 6, lines 18-30**, *the communication protocol between the mobile device 106 and the link server 114 via the airnet is HDTP, SUGP and UDP and in the Internet 104 is HTTP that runs on TCP and controls the connection of an HTML Web browser to a web server and the exchange of information therebetween*] as claim.

Regarding claim 3, Liao discloses in **figure 1, col. 6, 18-23**, of the wired network (104). The wired network 104 operates according to an open systems interconnect model protocol since **as disclosed in col. 6, 18-23, HTTP is the protocol used in the wired Internet 104**, which is a built in the TCP/IP Protocol Suite, corresponding to transport of network layers of the OSI (open system-interconnect) model as claim protocol

[for further reference of HTTP being a part of the TCP/IP Protocol Suite corresponding to the OSI model, see Data & Commuter Communications, 6th Edition by William Stallings, pages 52-53 & 59].

Regarding claim 4, Liao discloses in **col. 6, lines 18-21** *that the wired Internet 104 uses HTTP that runs on TCP*. Liao discloses in **col. 2, lines 66 to col. 3, lines 1** *that HTTP is built on TCP/IP, establishing that the wireless communications network of claim 3, wherein the protocol is TCP/IP*.

Regarding claim 5, Liao discloses in **fig. 1, col. 5, lines 49-56**, wherein the wired network [104, fig. 1] is the Internet as claim.

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Regarding claim 6, Liao discloses **fig. 1, col. 5, lines 55-65**, wherein the wireless channel is a cellular packetized data **[GSM]** system as claim.

Regarding claim 7, Liao discloses in **fig. 1, col. 5, lines 55-65** wherein the wireless channel is a CDPD system as claim.

Regarding claim 8, Liao discloses in **fig. 1 and col. 6, lines 18-23**, further comprising a server software **[HDML web browser software running on 112, as in fig. 1]** stored on the wireless application service provider server computer **[web server 112, fig. 1]** for communicating via specialized protocols **[HTML as disclosed in col. 6, lines 18-23]** with the wireless device **[mobile device 106, fig. 1]** over the wired network **[Internet 104, fig. 1]** and the wireless channel **[CDMA system 108, fig. 1]** as claim.

Regarding claim 9, Liao discloses in **figure 1** of a method of wireless communications, comprising the steps of:

serving data **[tSR 152]** over a wired network **[Internet 104]**

[as disclosed in combination of col. 12, lines 63-67 and col. 13, lines 4-13;

upon the server receiving a service request (tSR 152), the server responds with a service reply (tSP154) with correct URL. This secure session communication between client and server is established through the wireless data network as in fig. 1 and as disclosed col. 3, lines 15-23, the server 112 serves the reply data (tSP) with correct URL over a wired Internet 104];

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receiving the data [tSR 152] from the wired network [Internet 104]

[as disclosed in col. 13, lines 4-13; *receives communication data (tSP) from server. This secure session communication between server and client is established through the wireless data network as in fig. 1 and disclosed in fig. 1, col. 3, lines 15-23 and col. 6, lines 10-17, the airnet 102 controlled CDPD carrier receives the reply data (tSP) from the wired Internet 104*];

transmitting the data [tSP 154] over a wireless channel [CDPD Sys. 108, fig 1]

[see fig. 1, as disclosed in combination of col. 5, lines 56-62, col. 6, lines 12-17, col. 13, lines 4-13, *the airnet 102 operated and controlled by a carrier transmits communication data (tSP) over CDPD system to the mobile device 106*]; and

receiving the data [tSP 154] over the wireless channel [CDPD Sys. 108, Fig. 1]

[see fig. 1, as disclosed in combination of col. 4, lines 64-68, col. 12, lines 66 to col. 13, lines 3, *the client receives (tSP) from the server via airnet 102 over CDPD system*] as claim.

[Special note: col. 12, lines 63-67 and col. 13, lines 4-13, primarily disclosed of tSR and tSP message communicated between client and servers; Note: Col. 5, lines 56-62 and col. 6, lines 12-17, along with col. 4, lines 5-35 disclose how the request/reply message between client and servers are securely communicated over the system. Also Note: as disclosed in col. 3, lines 19-23, the communication between client and server takes place through the wireless data network as in fig. 1].

Regarding claim 10, Liao further discloses comprising the steps of:

transmitting second data [session-complete, claim 11] over a wireless channel

[CDPD system 108, fig. 1]

[as disclosed in claim 11, *the client sends a session-complete signal data comprising a second derivative. As further disclosed in fig. 1 and col. 3, lines 19-23, the communication takes place according to the schematic representation, client 106 sends session complete signal data via CDPD wireless channel 108*];

receiving the second data [session-complete, claim 11] from the wireless channel

[CDPD system 108, fig. 1]

[as disclosed in combination of fig. 1 and col. 6, lines 10-17, *the link server 114 receives the communication data (second message-session complete sent by client in claim 11) from airnet 102 controlled by carrier CDPD system via link server 114*];

transmitting the second data [session-complete, claim 11] over the wired network

[wired Internet 104]

[as disclosed in combination of fig. 1, in col. 6, lines 10-17, and claim 11, *the communication data (second message-session complete of claim 11) is transmitted from link server 114 to wired Internet 104*]; and

receiving the second data [session-complete, claim 11] over the wired network

[wired Internet 104]

[as disclosed in combination of claim 11 and fig. 1, *the server receives the session-complete signal from the client via wired Internet 104*] as claim.

[Note: as disclosed in col. 13, lines 10-13, once the tSP 154 is received by the client, the client may proceed with the tSP 156, such that a second data is communicated. Also

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Note: as disclosed in col. 3, lines 19-23, the communication between client and server takes place through the wireless data network as in fig. 1]

Regarding claim 11, Liao discloses wherein the data [tSR 152, fig. 5 and col. 7, lines 26-29] and the second data [session complete, claim 11 and col. 7, lines 26-29] are packetized data formats [as disclosed in col. 6, lines 38-46, *exchanging of a very small number of packets during a session creation*] packets on the wireless channel [CDPD System, col. 5, 55-62, fig. 1]

[as disclosed in combination of col. 6, lines 38-46 and col. 7, lines 26-29, session exchange message include exchanging a very small number of packets during a transaction] .

Regarding claim 12, Liao discloses in fig. 1, col. 5, lines 49-56, wherein the wired network [104, fig. 1] is the Internet as claim.

Regarding claim 13, Liao discloses in col. 6, lines 18-24 wherein the step of serving is performed according to specialized protocols [HTTP that runs on TCP as in col. 5, lines 18-20]

[As disclosed in col. 6, lines 18-24, that the wired Internet 104 uses the HTTP protocol that runs on TCP and controls the connection of an HTML web browser to a web server and the exchange of information therebetween].

Regarding claim 14, Liao discloses in col. 6, lines 23-30 wherein the step of transmitting second data [session-completion of claim 11] over the wireless channel [CDPD System 108,

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fig. 1] is performed according to specialized protocols [**UDP, SUGP AND HDTP as disclosed in col. 6, lines 23-30**].

Regarding claim 15, Liao discloses wherein the specialized protocols [**HTTP that runs on TCP as in col. 5, lines 18-20**] include an OSI model protocol [*TCP is at layer 4 of OSI model, for reference see, Data & Commuter Communications, 6th Edition by William Stallings, pages 52-53 & 59*].

Regarding claim 16, Liao discloses wherein the specialized protocols [**UDP, SUGP AND HDTP as disclosed in col. 6, lines 23-30**] include an OSI model protocol [*UDP is at layer 4 of OSI model, for reference see, Data & Commuter Communications, 6th Edition by William Stallings, pages 52-53 & 59*].

Regarding claim 17, Liao discloses **fig. 1, col. 5, lines 55-65** wherein the wireless channel is a CDPD cellular system as claim.

Regarding claim 19, Liao discloses in **fig. 1** of a computer readable substrate [**Web Server 112**] having a computer program [**information stored in the web server as col. 6, lines 5-10**] saved thereupon, the computer Program comprising the steps of:

providing a wireless device [**106, fig. 1**] with an on-line access to a website, the website maintained on a server computer [**Web Server 112, fig. 1**] connected to a wired network [**Internet 104, fig. 1**]

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[as disclosed in col. 13, lines 4-13, a client request to access information stored and identifies by the URL supported at the server 142, the server responds with tSP to the client with the desired URL providing on-line access];

transmitting a packetized data **[tSP 154, col. 13, lines 4-13]** to the wireless device **[client/mobile fig. 1]** at least in part over a wireless channel **[CDPD system 108, fig. 1]** **[as disclosed in col. 3, lines 19-23 of the communication between client and server taking place through the wireless data communication as in fig. 1];**

receiving the packetized data **[tSP]** by the wireless device **[client 106, fig. 1]** **[as disclosed in col. 12, lines 66 to col. 13, lines 3, the client receives tSP from the server];**

transmitting a second packetized data **[session complete, claim 11]** to the server computer **[web server 112, fig. 1]** at least in part over a wireless channel **[CDPD System 108, fig. 1]**

[as disclosed in fig. 1, col. 3, lines 19-23 and claim 11, the communication data (second message-session complete of claim 11) is transmitted from link server 114 to wired Internet 104]; and

receiving the second packetized data **[session complete, claim 11]** by the server computer **[web server 112, fig. 1]**

[as disclosed in claim 11 and fig. 1, the server receives the session-complete signal from the client via wired Internet 104] as claim.

[Note, as disclosed in col. 6, lines 38-46, the exchange message (tSR and rSP) are very small number of data packets]

Regarding claim 20, Liao discloses wherein the computer program **[stored within the web server 112, col. 6, lines 5-10]** further comprises the steps of communicating the packetized data **[tSP, col. 13, lines 4-13]** at least in part over the wired network **[Internet 104, fig. 1]**

[As disclosed in fig. 1 and in col. 3, lines 18-23, server and client establish secure communication session form transaction through the wireless data network schematic. Furthermore, as disclosed in col. 6, lines 38-46 of exchanging small number of packets for session message, establishing tSP as a packetized data. Also, as disclosed in combination of fig. 1 and col. 13, lines 4-13, the wired Internet 104 is connected to web server 112 establishing that the web server 112 communicates communication data (tSP) over the wired Internet 104 to the client].

Regarding claim 21, Liao discloses wherein the computer program **[stored within the web server 112, col. 6, lines 5-10]** further comprises the steps of communicating the second packetized data **[session completion data packet as in claim 11]** at least in part over the wired network **[Internet 104 fig. 1]**

[As disclosed in fig. 1 and in col. 3, lines 18-23, server and client establish secure communication session form transaction through the wireless data network schematic. As disclosed in claim 11, the client communicates session completion data packet to server and based on fig. 1 schematic transactions, the session complete data packet is sent from client 106 to airnet 102 is wirelessly, however, upon the data packet reaching the link server 114, it is sent via the wired Internet 104 to the web server 112].

Regarding claim 22, Liao discloses in **col. 6, lines 34-46** wherein the packetized data [tSP, **col. 13, lines 4-13**] and the second packetized data [session completion data packet, **claim 11**] are each formatted according to an OSI model

[as disclosed in col. 6, lines 34-46, HDTP is a session-level protocol that resembles HTTP (HTTP runs TCP as in col. 5, lines 18-20, which is a layer 4 protocol of the OSI model), the session creation packets exchanged (tSP (first data), and session creation data packets (second data)) clearly indicate are formatted according to the OSI model since HDTP resembles the HTTP (which is a part of the OSI model) without the incurring overhead].

Regarding claim 23, Liao discloses in **col. 6, lines 34-46** wherein the packetized data [tSP of **col. 13, lines 4-13**] and the second packetized data [session completion data packet, of **claim 11**] on the wireless channel [CDPD System, **fig. 1**] conform to specialized protocols [UDP, SUGP and HDTP, **col. 7, lines 23-30**] optimized for wireless communications

[As disclosed in col. 6, lines 34-46, based on fig. 1 schematic transactions, the session exchange data packets transferred over CDPD system of figure 1 conforms to the HDTP and UDP protocol].

Regarding claim 24, Liao discloses in **figure 1** of an application service provider for providing network access, comprising:

a server computer [web server 112, **fig. 1**];

a wired network [**Internet 104, fig. 1**] connected to the server computer [**Internet 104, fig. 1 connected to web server 112, fig. 1**];

a cellular wireless communications system [**GSM cellular carrier 108, col. 5, lines 56-62**] connected to the wired network [**Internet 104, fig. 1**]; and

wireless device [**mobile device 106, fig. 1**] communicatively connected [**wirelessly as in fig. 1**] to the cellular wireless communications system [**GSM cellular carrier 108, col. 5, lines 56-62 and fig. 1**] as claim.

Regarding claim 25, Liao discloses in **col. 13, lines 3-13** of further comprising: a website [**www.abc.com**] stored on the server computer [**142**], the website including a content selected for the wireless device [**client request service (content) to the server**].

Regarding claim 26, Liao discloses in **fig. 1** further comprising a communication of packetized data [**tSR and tSP as in col. 13, lines 4-13**] between the server computer [**web server 112, fig. 1**] and the wireless device [**mobile client 106, fig. 1**], the communication occurring at least in part over the cellular wireless communications system [**GSM or CDPD as disclosed in fig. 1 and in col. 5, lines 55-56**] as claim.

Regarding claim 27, Liao discloses in **fig. 1, col. 5, lines 55-65** wherein the wireless channel is a CDPD cellular channel as claim.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Ditzik (U.S. Patent No. 5,983,073).

Regarding claim 18, Liao discloses in **figure 1** of a mobile device 106 running HDML Browser in communication with the airnet 102 controlled via CDMA system via an antenna. Liao further discloses in **col. 13, lines 4-13** of the mobile device sending request packet to access information stored and identified by URL as www.abc.com supported at the server. Liao also discloses in **col. 13, lines 15-25** of client capable of accessing email text stored in communication with server. **Liao however fails to explicitly disclose wherein the data is selected from the group consisting of: text, graphic, image, voice, and streaming media.**

Ditzik discloses in the abstract and in **col. 13, lines 13-30** of a **wireless communications device capable of bi-directional realtime communications having the option of selecting from a voice, audio, text, graphics and video data (streaming media).** Ditzik specifically discloses in **col. 5, lines 52-59** of a wireless device [**wireless handset 14, fig. 7**] capable of analog or digital cellular operation including AMPS, TDMA, CDMA, PCS, **CDPD**, or equivalent types for communicating with wide area wireless communication networks.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of Liao to include the features of selecting by wireless

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client from the group consisting of text, graphic, image, voice and video for communication access as taught by Ditzik. One is motivated as such in order to provide for full Internet access on a wireless mobile platform, where the user can access the world wide web and execute most of the available Internet browser functions such as Internet data access, download, upload and conferencing functions (*Ditzik, col. 3, lines 15-22*).

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

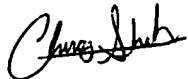
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs

March 28, 2005

A handwritten signature in black ink, appearing to read "Chirag Shah", with a stylized flourish at the end.

Chirag Shah
AU 2664